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January 17, 2025

VIA ECF

Hon. Paul A. Engelmayer
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Sonia Zurita v. First Unum Life Insurance Company*
Case No.: 1:24-cv-04196 (PAE)

Dear Judge Engelmayer:

This office represents the Defendant, First Unum Life Insurance Company (“First Unum”), in the above referenced matter. Pursuant to Section 1.E. of Your Honor’s Individual Rules and Practices in Civil Cases, First Unum and the Plaintiff, Sonia Zurita (“Plaintiff”) (collectively, the “Parties”), write for two reasons. First, the Parties respectfully request that the fact discovery deadline be extended from January 31, 2025 to and including February 28, 2025, and the telephone conference be rescheduled from February 20, 2025 to a date at your Your Honor’s convenience after the close of fact discovery. (Dkt. No. 22). Second, the Parties write to inform the Court that the Parties continue to plan to proceed with a bench trial on a stipulated paper record pursuant to Fed. R. Civ. P. 52 rather than by summary judgment motion. (*Id.*, ¶11).

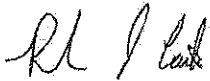
The Parties have been diligently proceeding with the fact discovery in this matter. However, issues have arisen in which Plaintiff is seeking additional electronic files as part the administrative record and is seeking to conduct discovery beyond the administrative record. Defendant is diligently searching for the files that would be part of the administrative record. Further, the Parties have scheduled a meet and confer for next week for the possible discovery beyond the administrative record pursuant to Section 2.C. of Your Honor’s Individual Rules and Practices in Civil Cases. The Parties need additional time to resolve this dispute and for Defendant to produce the additional electronic files that would be part of the administrative record.

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Pursuant to the Civil Case Management Plan and Scheduling Order, the Parties want to inform the Court that they do not intend to move for summary judgment, but instead to submit briefing for a bench trial on a stipulated record pursuant to Fed. R. Civ. P. 52. (Dkt. No. 22, ¶¶ 8, 11). The Parties are happy to discuss the schedule for the trial briefing at the telephonic conference with Your Honor. Alternatively, if You Honor wishes, the Parties are happy to submit a proposed briefing schedule prior to that conference.

Thank you for your consideration of this matter.

Respectfully submitted,

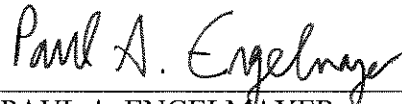


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cc: All Counsel of Record (*via* ECF)

GRANTED IN PART. At the Court's initial pretrial conference with the parties, the Court stated that, given the straightforward nature of the case, no discovery extensions would be granted. In light of counsel's submissions, the Court will grant a one-week fact discovery extension. The case management conference remains scheduled for February 20, 2025 at 3 p.m. The Court will at that conference set a schedule for the anticipated bench trial.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Date: January 17, 2025